

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FUBOTV INC. and FUBOTV MEDIA INC.,

Plaintiffs,

-against-

THE WALT DISNEY COMPANY, ESPN,
INC., ESPN ENTERPRISES, INC., HULU,
LLC, FOX CORPORATION, and WARNER
BROS. DISCOVERY, INC.,

Defendants.

Civil Action No. 24-cv-1363-MMG-JW

**~~PROPOSED~~ JOINT PRE-HEARING
STIPULATION**

WHEREAS the Parties in the above-captioned matter wish to set parameters on submissions to be filed in advance of the hearing on Fubo’s Motion for Preliminary Injunction (“PI Hearing”), scheduled to begin on Tuesday, August 6, 2024, and how a presentation at the PI Hearing will proceed, the Parties hereby stipulate and agree, through their undersigned counsel, to the following:

1. Consistent with the Court’s April 19, 2024 Scheduling Order (Dkt. 140), the Parties shall not file a Joint Pretrial Order or Proposed Findings of Fact and Conclusions of Law and instead will address the facts and law in their respective briefs filed in connection with Fubo’s Motion for Preliminary Injunction.
2. Defendants shall file a single consolidated Opposition to Fubo’s Motion for Preliminary Injunction of up to 65 pages.
3. Fubo shall file a single Reply in Support of Plaintiff’s Motion for Preliminary Injunction of up to 45 pages.

4. Time at the PI Hearing shall be divided evenly between Defendants and Plaintiffs, with time spent on opening and closing statements and cross examination being counted against that party's time.

5. Direct testimony shall be heard by the Court at the PI Hearing live from the witness rather than through written submissions.

6. Consistent with Ms. Ghotbi's email to counsel of record dated June 28, 2024, the Parties shall file their witness and exhibits lists by August 1, 2024 (as opposed to the July 29, 2024 date that was in the April 19, 2024 Scheduling Order (Dkt. 140)).

7. The Parties shall not be required to include on the exhibit list exhibits that may be used for cross examination or rebuttal or Federal Rule of Evidence 1006 exhibits.

8. The Parties shall raise with the Court any unresolved objections to Federal Rule of Evidence 1006 exhibits and demonstratives the business day prior to the anticipated use of the summary exhibit or demonstrative.

9. The Parties shall raise with the Court any unresolved objections to the use of exhibits to be used during direct examinations of fact and expert witnesses and friendly third parties on the morning of their intended use.

10. The Parties shall file deposition designations by August 1, 2024.

SO STIPULATED AND AGREED.

Dated: July 18, 2024

/s/ Joshua Hafenbrack

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SO ORDERED.

Date: July 19, 2024

New York, New York



MARGARET M. GARNETT
United States District Judge